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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,

USA Capital Realty Advisors, LLC,¹

USA Capital Diversified Trust Deed Fund,
LLC,

USA Capital First Trust Deed Fund, LLC,²

USA Securities, LLC,³
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**STATUS AND AGENDA FOR JUNE
15, 2010 HEARING FILED BY
USACM LIQUIDATING TRUST**

Hearing Date: June 15, 2010
Hearing Time: 9:30 a.m.
Estimated Time of Hearing: One hour

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

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2 **1. Pretrial Conference** Adv: 08-01135-lbr USACM Liquidating Trust et al
3 v. Wells Fargo Bank, N.A. (ap) Lead case: 06-10725-lbr USA Commercial Mortgage
Company

4 **Filed:** Stipulation and Order Rescheduling Pretrial Conference Date/Time
5 04/14/2010 and Enlarging Time to File Motions to Exclude Expert Testimony.
6 [279]

7 **Status**

8 **2. Motion to Exclude in Whole or in Part, Opinion Testimony of Colin**
9 **A. Johns:** Adv: 08-01135-lbr USACM Liquidating Trust et al v. Wells Fargo Bank,
N.A. (ap) Lead case: 06-10725-lbr USA Commercial Mortgage Company

10 **Filed:** Motion to Exclude in Whole or in Part, Opinion Testimony of
11 05/14/2010 Colin A. Johns filed by Dean V. Fleming on behalf of Wells Fargo
12 Bank, N.A. [302]

13 **Declaration:** Declaration Of: Dean V. Fleming in Support of Wells Fargo
14 05/14/2010 Bank's Motion to Exclude, in Whole or In Part, Opinion
Testimony of Colin A. Johns [303]

15 **Response:** Response to Defendant's Motion to Exclude, in Whole or in Part,
16 06/01/2010 Opinion Testimony of Colin A. Johns filed by Joshua J.
17 Bruckerhoff on behalf of USA Capital Diversified Trust Deed
Fund [320]

18 **Reply** Reply to Plaintiff's Response to Defendant's Motion to Exclude in
19 6/8/10 Whole or in Part, Opinion Testimony of Colin A. Johns filed by
20 Dean V. Fleming [DE 324]

21 **Status**
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3. Motion to Exclude the Expert Testimony of Andrew Safir, Ph.D:
Adv. 08-01135-lbr USACM Liquidating Trust et al v. Wells Fargo Bank, N.A. (ap)
Lead case: 06-10725-lbr USA Commercial Mortgage Company

Filed: Motion to Exclude the Expert Testimony of Andrew Safir, Ph.D
05/14/2010 filed by Joshua J. Bruckerhoff on behalf of USA Capital
Diversified Trust Deed Fund [306]

Declaration: Declaration Of: Joshua J. Bruckerhoff in Support of Plaintiff's
05/14/2010 Motion to Exclude the Expert Testimony of Andrew Safir, Ph.D
[307]

Response: Response to Plaintiff's Motion to Partially Exclude the Expert
06/01/2010 Testimony of Andrew Safir, Ph.D. filed by Dean V. Fleming on
behalf of Wells Fargo Bank, N.A. [318]

Declaration: Declaration Of: Andrew Safir, Ph.D. in Support of Defendant's
06/02/2010 Response to Plaintiff's Motion to Partially Exclude the Expert
Testimony of Andrew Safir, Ph.D [321]

Reply Reply to Defendant's Response to Plaintiff's Motion to Partially
6/8/10 Exclude the Expert Testimony of Andrew Safir, Ph.D. filed by
Joshua J. Bruckerhoff on behalf of USA Capital Diversified Trust
Deed Fund [DE 325]

Status

4. Motion to Exclude the Expert Testimony of H. Stephen Grace, Jr., Ph.D filed by Joshua J. Bruckerhoff on behalf of USA Capital Diversified Trust Deed Fund, LLC: Adv. 08-01135-lbr USACM Liquidating Trust et al v. Wells Fargo Bank, N.A. (ap) Lead case: 06-10725-lbr USA Commercial Mortgage Company

Filed: Motion to Exclude the Expert Testimony of H. Stephen Grace, Jr.,
05/14/2010 Ph.D filed by Joshua J. Bruckerhoff on behalf of USA Capital
Diversified Trust Deed Fund, LLC [308]

Declaration: Declaration Of: Joshua J. Bruckerhoff in Support of Plaintiff's
05/14/2010 Motion to Exclude the Expert Testimony of H. Stephen Grace, Jr.,
Ph.D [309]

Response: Response to Plaintiff's Motion to Exclude the Expert Testimony of
06/01/2010 H. Stephen Grace, Jr., Ph.D. filed by Dean V. Fleming on behalf of
Wells Fargo Bank, N.A. [315]

Declaration: Declaration Of: H. Stephen Grace, Jr., Ph.D. in Support of
06/01/2010 Defendant's Response to Plaintiff's Motion to Exclude the Expert
Testimony of H. Stephen Grace, Jr., Ph.D. [316]

Declaration: Declaration Of: John E. Hauptert in Support of Defendant's
06/01/2010 Response to Plaintiff's Motion to Exclude the Expert Testimony of
H. Stephen Grace, Jr., Ph.D.[317]

Reply Reply to Defendant's Response to Plaintiff's Motion to Exclude
6/8/10 the Expert Testimony of H. Stephen Grace, Jr., Ph.D. filed by
Joshua J. Bruckerhoff on behalf of USA Capital Diversified Trust
Deed Fund [DE 326]

Status

5. Status Hearing Re: First Amended Complaint: Adv. 08-01121-lbr
USACM Liquidating Trust v. Fertitta Enterprises, Inc. et al (ap) Lead case: 06-10725-
lbr USA Commercial Mortgage Company

Filed: Status Hearing Re: First Amended Complaint [90]
04/22/2010

Filed: First Amended Complaint Filed by Michael Yoder on behalf of
08/29/2008 USACM Liquidating Trust against Fertitta Enterprises, Inc. [15]

Filed Stipulation and Proposed Order to Stay Proceedings [DE 92]
5/26/10

Filed Order on Stipulation to Stay Proceedings [DE 93]
5/27/10

Status Stipulation to Stay Proceeding until July 31, 2010 entered on May
27, 2010 [DE 93]

6. Status Hearing Re: Amended Complaint: Adv. 08-01066-lbr Debt
Acquisition Company of America V, LLC v. Compass USA Spe, LLC et al (ap) Lead
case: 06-10725-lbr USA Commercial Mortgage Company

Filed: Status Hearing Re: Amended Complaint [92]
05/11/2010

Filed: Complaint in Intervention filed by Dean T. Kirby Jr. on Behalf of
09/22/2009 Debt Acquisition Company of America V, LLC Against Compass
Partners LLC, Compass USA Spe, LLC, Milbank, Tweed, Hadley
& McCloy LLP, USACM Liquidating Trust [69]

Status Default has been entered [DE 91]. Plaintiff's Motion for Entry of
Default Judgment as to Defendants Compass USA SPE LLC and
Compass Partners, LLC was filed June 1, 2010 [DE 93] and a
proposed form of judgment has been uploaded for the Court's
consideration.

**7. First Omnibus Objection Of USACM Trust To Proofs Of Claim
Based Entirely Upon Investment In The Gramercy Court:** 06-10725-lbr USA
Commercial Mortgage Company

Filed: First Omnibus Objection Of USACM Trust To Proofs Of Claim

05/14/2010` Based Entirely Upon Investment In The Gramercy Court filed by Rob Charles on behalf of USACM Liquidating Trust [8043]

Status No response filed. The USACM Trust will ask the Court to sustain the objection.

8. Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment In The Gramercy Court: 06-10725-lbr USA Commercial Mortgage Company

Filed: Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment In The Gramercy Court
05/14/2010 filed by Rob Charles on behalf of USACM Liquidating Trust [8044]

Status No response filed. The USACM Trust will ask the Court to sustain the objection.

9. First Omnibus Objection to Claim Based Entirely Upon Investment in the 60th Street Venture, LLC Loan filed by John Hinderaker on behalf of USACM Liquidating Trust: 06-10725-lbr USA Commercial Mortgage Company

Filed: First Omnibus Objection to Claim Based Entirely Upon Investment in the 60th Street Venture, LLC Loan filed by John Hinderaker on behalf of USACM Liquidating Trust [8045]
05/14/2010

Status No response filed. The USACM Trust will ask the Court to sustain the objection.

10. Second Omnibus Objection to Claim Based Entirely Upon Investment in the 60th Street Venture, LLC Loan filed by John Hinderaker on behalf of USACM Liquidating Trust: 06-10725-lbr USA Commercial Mortgage Company

Filed: Second Omnibus Objection to Claim Based Entirely Upon Investment in the 60th Street Venture, LLC Loan filed by John Hinderaker on behalf of USACM Liquidating Trust [8046]
05/14/2010

Status No response filed. The USACM Trust will ask the Court to sustain the objection.

**11. Third Omnibus Objection Of USACM Trust To Proofs of Claim
Based Entirely Upon Investment in the Gramercy Court Loan: 06-10725-lbr, USA
Commercial Mortgage Company**

Filed: Third Omnibus Objection Of USACM Trust To Proofs of Claim
05/14/2010 Based Entirely Upon Investment in the Gramercy Court Loan
filed by Rob Charles on behalf of USACM Liquidating Trust
[8049]

Status No response filed. The USACM Trust will ask the Court to
sustain the objection.

**12. Fourth Omnibus Objection Of USACM Trust To Proofs of Claim
Based Entirely Upon Investment in the Gramercy Court Loan : 06-10725-lbr USA
Commercial Mortgage Company**

Filed: Fourth Omnibus Objection Of USACM Trust To Proofs of Claim
05/14/2010 Based Entirely Upon Investment in the Gramercy Court Loan
filed by Rob Charles on behalf of USACM Liquidating Trust
[8051]

Status No response filed. The USACM Trust will ask the Court to
sustain the objection.

**13. First Omnibus Objection Of USACM Trust To Proofs of Claim Based
In Part Upon Investment in the Gramercy Court Loan: 06-10725-lbr USA
Commercial Mortgage Company**

Filed: First Omnibus Objection Of USACM Trust To Proofs of Claim
05/14/2010 Based In Part Upon Investment in the Gramercy Court Loan filed
by John Hinderaker on behalf of USACM Liquidating Trust
[8052]

Status No response filed. The USACM Trust will ask the Court to
sustain the objection.

**14. Second Omnibus Objection Of USACM Trust To Proofs of Claim
Based In Part Upon Investment in the Gramercy Court Loan: 06-10725-lbr USA
Commercial Mortgage Company**

Filed: Second Omnibus Objection Of USACM Trust To Proofs of Claim
05/14/2010 Based In Part Upon Investment in the Gramercy Court Loan filed
by John Hinderaker on behalf of USACM Liquidating Trust [8053]

Status No response filed. The USACM Trust will ask the Court to sustain
the objection.

**15. Third Omnibus Objection Of USACM Trust To Proofs of Claim
Based In Part Upon Investment in the Gramercy Court Loan: 06-10725-lbr USA
Commercial Mortgage Company**

Filed: Third Omnibus Objection Of USACM Trust To Proofs of Claim
05/14/2010 Based In Part Upon Investment in the Gramercy Court Loan filed
by John Hinderaker on behalf of USACM Liquidating Trust [8054]

Status No response filed. The USACM Trust will ask the Court to sustain
the objection.

**16. Fourth Omnibus Objection Of USACM Trust To Proofs of Claim
Based In Part Upon Investment in the Gramercy Court Loan: 06-10725-lbr USA
Commercial Mortgage Company**

Filed: Fourth Omnibus Objection Of USACM Trust To Proofs of Claim
05/14/2010 Based In Part Upon Investment in the Gramercy Court Loan filed
by John Hinderaker on behalf of USACM Liquidating Trust [8056]

Status No response filed. The USACM Trust will ask the Court to sustain
the objection.

17. Fifth Omnibus Objection Of USACM Trust To Proofs of Claim Based In Part Upon Investment in the Gramercy Court Loan: 06-10725-lbr USA Commercial Mortgage Company

Filed: Fifth Omnibus Objection Of USACM Trust To Proofs of Claim
05/14/2010 Based In Part Upon Investment in the Gramercy Court Loan filed
by John Hinderaker on behalf of USACM Liquidating Trust [8057]

Response: Response of Mojave Canyon, Inc. to Fifth Omnibus Objection Of
05/28/2010 USACM Trust To Proofs of Claim Based In Part Upon Investment
in the Gramercy Court Loan [DE 8077]

Status Counsel for Mojave Canyon, Inc has clarified that Mojave
Canyon's only claims are for unremitted principal. Because there
is no unremitted principal associated with the Gramercy Court
loan, Mojave Canyon does not have a claim based upon the
Gramercy Court loan and counsel for Mojave Canyon will be
present at the hearing to confirm this. The USACM will request
that the Court sustain the objection.

18. Sixth Omnibus Objection Of USACM Trust To Proofs of Claim Based In Part Upon Investment in the Gramercy Court Loan: 06-10725-lbr USA Commercial Mortgage Company

Filed: Sixth Omnibus Objection Of USACM Trust To Proofs of Claim
05/14/2010 Based In Part Upon Investment in the Gramercy Court Loan filed
by John Hinderaker on behalf of USACM Liquidating Trust [8060]

Status No response filed. The USACM Trust will ask the Court to sustain
the objection.

**19. Seventh Omnibus Objection Of USACM Trust To Proofs of Claim
Based In Part Upon Investment in the Gramercy Court Loan: 06-10725-lbr USA
Commercial Mortgage Company**

Filed: Seventh Omnibus Objection Of USACM Trust To Proofs of Claim
05/14/2010 Based In Part Upon Investment in the Gramercy Court Loan filed
by John Hinderaker on behalf of USACM Liquidating Trust [8061]

Status No response filed. The USACM Trust will ask the Court to sustain
the objection.

**20. Eighth Omnibus Objection Of USACM Trust To Proofs of Claim
Based In Part Upon Investment in the Gramercy Court Loan: 06-10725-lbr USA
Commercial Mortgage Company**

Filed: Eighth Omnibus Objection Of USACM Trust To Proofs of Claim
05/14/2010 Based In Part Upon Investment in the Gramercy Court Loan filed
by John Hinderaker on behalf of USACM Liquidating Trust [8062]

Status No response filed. The USACM Trust will ask the Court to sustain
the objection.

**21. Motion to Approve Compromise under Rule 9019 with Anthony
Monaco, Susan K. Monaco, And Monaco Diversified Corporation: 06-10725-lbr
USA Commercial Mortgage Company**

Filed: Motion to Approve Compromise under Rule 9019 with Anthony
05/21/2010 Monaco, Susan K. Monaco, And Monaco Diversified Corporation
with Certificate of Service filed by Michael Yoder on behalf of
USACM Liquidating Trust [8071]

Status Counsel for the USACM Liquidating Trust is ready to proceed.

Dated June 10, 2010.

LEWIS AND ROCA LLP

By: /s/ John Hinderaker, AZ 18024
Rob Charles, NV 6593
John Hinderaker, AZ 18024 (*pro hac vice*)
Attorneys for USACM Liquidating Trust

PROOF OF SERVICE

COPY of the aforementioned sent via e-mail or U.S. First Class Mail postage prepaid on June 10, 2010 to the parties listed on Post-Effective Official Service List for Limited Notice No. 5 Dated March 31, 2009.

/s/ Leilani Lista
Leilani Lista